

(such as physical surveillance and online harassment via an army of sock puppet accounts posting profane and highly sexualized and defamatory language on Ms. Tantaros' social media platforms) have caused Plaintiff to suffer severe emotional distress and continue unabated to this day. (Compl. ¶¶).

On May 18, 2017, Mr. Ailes passed away. Despite multiple requests, Plaintiff's prior Counsel inexplicably refused her express direction to file a Motion to substitute the Estate of Roger Ailes for deceased Defendant Ailes, as other Plaintiffs were doing in their lawsuits against Ailes. On June 15, 2017, a Notice of Voluntary Dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure was filed without Plaintiff Tantaros' consent or knowledge. On, June 19, 2017, the Court entered an order dismissing Mr. Ailes without prejudice (ECF No. 33). On October 5th, 2017, a Motion was filed to Add the Estate of Roger Ailes as a Defendant, replacing Defendant Ailes.

On June 28, 2017, Mr. Ailes's widow, Elizabeth Ailes, filed a Petition for Appointment and Petition for Administration in the probate court of Palm Beach County, Florida, Case No. 50-2017-CP-003091-XXXX-MB. On July 27, 2017, the probate court issued Letters of Administration and appointed Elizabeth Ailes as Personal Representative of the Estate of Roger Ailes.

Argument

Under Rule 20(a)(2) of the Federal Rules of Civil Procedure, the Court may join a party as a defendant if (a) "any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences," and (b) "any question of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2). "[Jo]inder of claims, parties and remedies is strongly encouraged, and the impulse is toward the broadest possible scope of action consistent

with fairness to the parties.” *Case v. Anderson*, No. 16 CIV. 983 (NSR), 2017 WL 3701863, at *5 (S.D.N.Y. Aug. 25, 2017) (internal quotation marks omitted).

The Complaint alleges that Ailes orchestrated the physical and surreptitious electronic surveillance of Plaintiff through his top Lieutenant Defendant William Shine, retaliatory and defamatory media stories placed on fake websites and on sites of allied media partners, to smear and discredit Plaintiff directed by Shine and carried out by Media Relations Chief Irena Briganti, and ordered online social media campaigns spearheaded by Ailes, directed by Shine, and conducted both in-house by Briganti (in coordination with Fox News’ Black Room and by outside Contractors, such as Defendants Peter A. Snyder and Disruptor. (*See, e.g.,* Compl. ¶¶ 2-5, 7, 11-21, 27-33). This conduct was in retaliation for Plaintiff’s complaints of sexual harassment by Mr. Ailes, among others. (*Id.*). As alleged in the Amended Complaint (and directly quoted from the Fox Shareholder Derivative Complaint:

“Fox News is a company that isn’t afraid to spy, hack, bully, or weaponize any tool at its disposal. Most specifically and covertly using the complex world of Internet and cutting-edge cyber technology as a form of retaliation and punishment against anyone who seeks to challenge the Fox News regime...most despicably, women who have come forward to expose the horror of their Fox News experience... Ailes established a formal department dedicated to surveillance known as ‘The Black Room.’ The Black Room was an operation Ailes established around 2011 to conduct public relations campaigns and surveillance campaigns against people he targeted, both in and outside the company. Ms. Tantaros was a target of these campaigns during her time at Fox News and after her employment, the nature of which lies at the heart of this Complaint. Upon information and belief, she is still a target of these campaigns, as she lodged formal sexual harassment, retaliation and hostile workplace complaints as early as 2015 – over a year before Gretchen Carlson – and through her business and entertainment attorney, Joseph Cane, Jr. Fox offered her a seven-figure settlement in June of 2016 in exchange for her eternal silence...*from now until forever* – a direct quote from the document. And that she renounce her claims against Defendants Ailes, Shine,

Briganti, and former General Counsel Dianne Brandi, Bill O'Reilly, and other Fox employees. She refused.”

The allegations against Ailes “aris[e] out of the same transaction, occurrence, or series of transactions or occurrences” and share “question[s] of law or fact common to all defendants.” Fed. R. Civ. P. 20(a)(2). Indeed, there is substantial overlap between the claims against Ailes and the claims against other Defendants because Ailes is the central figure with respect to these allegations as he ordered the behavior, during and after Tantaros’ employment with Fox News, resulting in the causes of action stated in Plaintiff’s Amended Complaint, filed January 29, 2018. On February 8th, 2018, Your Honor graciously granted Plaintiff’s Amended Complaint and directed the Clerk of the Court to terminate Defendants’ pending motions moot.

Conclusion

For the foregoing reasons, out of an abundance of caution, and without the presumption that the Motion to Add the Estate of Roger Ailes is *sin dine*, Plaintiff is respectfully resubmitting her request that the Court enter an order permitting Plaintiff to add the Estate of Roger Ailes as a Defendant in this action.

Dated: March 23, 2018

A handwritten signature in black ink, appearing to read "Andrea Tantaros", written over a horizontal line.

Andrea Tantaros, *Pro Se*